



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2864

Introduced 2/15/2008, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

105 ILCS 5/29-6.3	
625 ILCS 5/1-182	from Ch. 95 1/2, par. 1-182
625 ILCS 5/11-1414.1	from Ch. 95 1/2, par. 11-1414.1
30 ILCS 805/8.32 new	

Amends the School Code and the Illinois Vehicle Code. Removes a provision in the School Code that allows a school district to transport not more than 15 students to and from an interscholastic athletic or other interscholastic or school-sponsored activity in a van. Provides instead that a school district transporting students in grade 12 or below for an interscholastic, interscholastic athletic, or school-sponsored, noncurriculum-related activity that (i) does not require student participation as part of the educational services of the district and (ii) is not associated with the students' regular class-for-credit schedule or required 5 clock hours of instruction shall transport the students only in a school bus, a vehicle manufactured to transport not more than 10 persons, including the driver, or a multifunction school-activity bus manufactured to transport not more than 15 persons, including the driver; allows for a depreciation allowance claim. In the Illinois Vehicle Code, makes changes with regard to the definition of "school bus" and the requirement that every student enrolled in grade 12 or below in a public or private nursery, primary, or secondary school be transported in specified types of vehicles for certain activities. Amends the State Mandates Act to require implementation without reimbursement. Effective July 1, 2009.

LRB095 15742 NHT 41749 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 29-6.3 as follows:

6 (105 ILCS 5/29-6.3)

7 Sec. 29-6.3. Transportation to and from specified
8 interscholastic or school-sponsored ~~school-sponsored~~
9 activities.

10 (a) Any school district transporting students in grade 12
11 or below for an interscholastic, interscholastic athletic, or
12 school-sponsored, noncurriculum-related activity that (i) does
13 not require student participation as part of the educational
14 services of the district and (ii) is not associated with the
15 students' regular class-for-credit schedule or required 5
16 clock hours of instruction shall transport the students only in
17 a school bus, a vehicle manufactured to transport not more than
18 10 persons, including the driver, or a multifunction
19 school-activity bus manufactured to transport not more than 15
20 persons, including the driver.

21 (b) Any school district furnishing transportation for
22 students under the authority of this Section shall insure
23 against any loss or liability of the district resulting from

1 the maintenance, operation, or use of the vehicle.

2 (c) Vehicles used to transport students under this Section
3 may claim a depreciation allowance of 20% over 5 years as
4 provided in Section 29-5 of this Code. ~~Any school district may~~
5 ~~transport not more than 15 students to and from an~~
6 ~~interscholastic athletic or other interscholastic or school~~
7 ~~sponsored activity in a motor vehicle designed for the~~
8 ~~transportation of not less than 7 nor more than 16 persons,~~
9 ~~commonly referred to as a van, provided that the van is~~
10 ~~operated by or for the district and provided further that any~~
11 ~~school district furnishing transportation for students under~~
12 ~~the authority of this Section shall insure against any loss or~~
13 ~~liability of the district resulting from the maintenance,~~
14 ~~operation, or use of the vehicle.~~

15 (Source: P.A. 89-132, eff. 7-14-95; 89-608, eff. 8-2-96;
16 89-626, eff. 8-9-96.)

17 Section 10. The Illinois Vehicle Code is amended by
18 changing Sections 1-182 and 11-1414.1 as follows:

19 (625 ILCS 5/1-182) (from Ch. 95 1/2, par. 1-182)

20 Sec. 1-182. School bus.

21 (a) "School bus" means every motor vehicle, except as
22 provided in paragraph (b) of this Section, owned or operated by
23 or for any of the following entities for the transportation of
24 persons regularly enrolled as students in grade 12 or below in

1 connection with any activity of such entity:

2 Any public or private primary or secondary school;

3 Any primary or secondary school operated by a religious
4 institution; or

5 Any public, private or religious nursery school.

6 (b) This definition shall not include the following:

7 1. A bus operated by a public utility, municipal
8 corporation or common carrier authorized to conduct local
9 or interurban transportation of passengers when such bus is
10 not traveling a specific school bus route but is:

11 On a regularly scheduled route for the transportation
12 of other fare paying passengers;

13 Furnishing charter service for the transportation of
14 groups on field trips or other special trips or in
15 connection with other special events; or

16 Being used for shuttle service between attendance
17 centers or other educational facilities.

18 2. A motor vehicle of the First Division.

19 3. A multifunction school-activity bus. "Multifunction
20 school-activity bus" means a vehicle manufactured for the
21 purpose of transporting 11 to 15 persons, including the
22 driver. A motor vehicle designed for the transportation of
23 not less than 7 nor more than 16 persons that is operated
24 by or for a public or private primary or secondary school,
25 including any primary or secondary school operated by a
26 religious institution, for the purpose of transporting not

1 ~~more than 15 students to and from interscholastic athletic~~
2 ~~or other interscholastic or school sponsored activities.~~

3 (Source: P.A. 89-132, eff. 7-14-95.)

4 (625 ILCS 5/11-1414.1) (from Ch. 95 1/2, par. 11-1414.1)

5 Sec. 11-1414.1. School transportation of students.

6 (a) Every student enrolled in grade 12 or below in any
7 entity listed in subsection (a) of Section 1-182 of this Code
8 must be transported in a school bus or a vehicle described in
9 subdivision (1) or (2) of subsection (b) of Section 1-182 of
10 this Code for any curriculum-related school activity.
11 "Curriculum-related school activity" as used in this
12 subsection (a) includes transportation from home to school or
13 from school to home, tripper or shuttle service between school
14 attendance centers, transportation to a vocational or career
15 center or other trade-skill development site or a regional safe
16 school or other school-sponsored alternative learning program,
17 or a trip that is directly related to the regular curriculum of
18 a student for which he or she earns credit. ~~Every student~~
19 ~~enrolled in grade 12 or below in any entity listed in paragraph~~
20 ~~(a) of Section 1-182 of this Code who is transported in a~~
21 ~~second division motor vehicle owned or operated by or for that~~
22 ~~entity, in connection with any official activity of such~~
23 ~~entity, must be transported in a school bus or a bus described~~
24 ~~in subparagraph (1) of paragraph (b) of Section 1-182.~~

25 (b) Every student enrolled in grade 12 or below in any

1 entity listed in subsection (a) of Section 1-182 of this Code
2 who is transported in a vehicle that is being operated by or
3 for a public or private primary or secondary school, including
4 any primary or secondary school operated by a religious
5 institution, for an interscholastic, interscholastic-athletic,
6 or school-sponsored, noncurriculum-related activity that (i)
7 does not require student participation as part of the
8 educational services of the entity and (ii) is not associated
9 with the students' regular class-for-credit schedule shall
10 transport students only in a school bus or vehicle described in
11 subsection (b) of Section 1-182 of this Code. This subsection
12 (b) does not apply to any second division vehicle used by an
13 entity listed in subsection (a) of Section 1-182 of this Code
14 for a parade, homecoming, or a similar noncurriculum-related
15 school activity. This Section shall not apply to any second
16 division vehicle being used by such entity in a parade,
17 homecoming or similar school activity, nor to a motor vehicle
18 designed for the transportation of not less than 7 nor more
19 than 16 persons while that vehicle is being operated by or for
20 a public or private primary or secondary school, including any
21 primary or secondary school operated by a religious
22 institution, for the purpose of transporting not more than 15
23 students to and from interscholastic athletic or other
24 interscholastic or school sponsored activities.

25 (Source: P.A. 89-132, eff. 7-14-95.)

1 Section 90. The State Mandates Act is amended by adding
2 Section 8.32 as follows:

3 (30 ILCS 805/8.32 new)

4 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8
5 of this Act, no reimbursement by the State is required for the
6 implementation of any mandate created by this amendatory Act of
7 the 95th General Assembly.

8 Section 99. Effective date. This Act takes effect July 1,
9 2009.